

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
COMMCO, LLC	)	File Nos. 9409549, <i>et seq.</i>
SINTRA CAPITAL CORPORATION	)	File Nos. 9506532, <i>et seq.</i>
PLAINCOM, INC.	)	File Nos. 9507112, <i>et seq.</i>

**MEMORANDUM OPINION AND ORDER**

**Adopted:** May 4, 2000

**Released:** May 15, 2000

Before the Commission:

1. The Commission has before it an Application for Review filed by Commco, L.L.C., Sintra Capital Corporation, and Plaincom, Inc. (Petitioners) on December 22, 1999. Petitioners request reconsideration of the decision of the Licensing and Technical Analysis Branch of the Wireless Telecommunications Bureau set forth in the Public Notice entitled "39 GHz Applications Dismissed," DA 99-2631, released November 23, 1999, dismissing the above-captioned applications for authorization to provide service in the 38.6 to 40.0 GHz (39 GHz) band.<sup>1</sup>

2. We have analyzed the Application for Review and find that the Commission staff properly decided the matters raised. The Commission has established and affirmed a processing policy concerning 39 GHz channels that includes the dismissal of (a) applications that failed to meet the thirty-day public notice requirement as of November 13, 1995; (b) all new applications, major modification applications and amendments filed on or after November 13, 1995; and (c) applications whose mutual exclusivity was not resolved by December 15, 1995 and amendments resolving mutual exclusivity that were filed on or after December 15, 1995.<sup>2</sup> In addition, the Commission's Rules provide for the dismissal of mutually exclusive

<sup>1</sup>Commco, L.L.C.'s applications were FCC File Nos. 9409549, 9409629, 9505564, 9506549, 9506550, 9506554, 9506559, 9506573, 9506577, 9506909, 9506912, 9506928, 9506929, 9506940, 9506946, 9506949, 9600759. Sintra Capital Corporation's applications were FCC File Nos. 9506532, 9506539, 9506541, 9506543, 9506561, 9506562, 9506569, 9506572, 9507313, 9507314, 9507355, 9507357, 9507360, 9507366, 9507383, 9507385, 9507386, 9507390, 9507506, 9507508, 9507511, 9507512, 9507514, 9507534, 9508142. Plaincom Inc's applications were FCC File Nos. 9507112, 9507119, 9507120, 9507123, 9507128, 9507130, 9507132, 9507134, 9507148, 9507149, 9507153, 9507165, 9507177, 9507517, 9507539, 9507541, 9507551, 9507552, 9507556, 9507562, 9510170, 9600275, 9600276, 9600277, 9600278, 9600279, 9600281, 9600281, 9600350, 9600351, 9600353, 9600354, 9600355, 9600356, 9600357, 9600359, 9600360, 9600482.

<sup>2</sup> See Amendment of the Commission's Rules Regarding the 37.0-38.6 GHz and 38.6-40.0 GHz Bands, *Report and Order and Second Notice of Proposed Rulemaking*, ET Docket No. 95-183, 12 FCC Rcd 18600, 18639-45 ¶¶ 83-97 (1997); *aff'd* Amendment of the Commission's Rules Regarding the 37.0-38.6 GHz and 38.6-40.0 GHz Bands, *Memorandum Opinion and Order*, 14 FCC Rcd 12428, 12440-51 ¶¶ 19-44 (1999).

applications and late-filed competing applications.<sup>3</sup>

3. The above-referenced applications are dismissed because the mutual exclusivity was not resolved by December 15, 1995 and amendments resolving mutual exclusivity were filed on or after December 15, 1995

4. Therefore, we uphold the staff decision. There is no reason to disturb it.

5. Accordingly, IT IS ORDERED that the Application for Review filed by Commco, L.L.C., Sintra Capital Corporation, and Plaincom, Inc. on December 22, 1999 IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Magalie Roman Salas  
Secretary

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<sup>3</sup> See 47 C.F.R. § 21.31 (b)(2)(i) (1995); 47 C.F.R. § 101.45(b)(2)(i) (disposition of mutually exclusive applications). See also 47 C.F.R. § 1.934 (dismissal of defective applications).